

TFC Contract No. 18-108-000
LCCX, LLC, dba Lackey de Carvajal Cx
Assignment No. 8
Project No. 16-019-5530

**INDEFINITE DELIVERY INDEFINITE QUANTITY
PROFESSIONAL SERVICES AGREEMENT
BETWEEN
THE TEXAS FACILITIES COMMISSION
AND
LCCX, LLC, DBA LACKEY DE CARVAJAL CX
TFC CONTRACT NO. 18-108-000**

ASSIGNMENT NO. 8

THIS INDEFINITE DELIVERY INDEFINITE QUANTITY ASSIGNMENT NO. 8

(hereinafter referred to as “Assignment No. 8” or “Assignment”) is entered into by and between the **Texas Facilities Commission**, located at 1711 San Jacinto Boulevard, Austin, Texas 78701 (hereinafter referred to as “TFC”) and **LCCX, LLC, dba Lackey de Carvajal Cx** located at 8304 Puerta Vista, Austin, Texas 78759 (hereinafter referred to as “PSP”) (TFC and PSP are hereinafter referred to individually as a “Party” or collectively as “Parties”), to be subject to the terms and conditions that follow.

1.0. DESCRIPTION OF PROJECT: The project for which PSP agrees to provide Professional Services is generally described as final testing, adjusting and balancing services on HVAC related equipment installed at the RBB (G) Building located on the DSHS Campus (hereinafter referred to as the “Project”), as further depicted in **Exhibit A**, PSP’s IDIQ Assignment No. 8 Proposal dated February 26, 2021, attached hereto and incorporated herein for all purposes and consisting of six (6) pages.

2.0. DURATION OF ASSIGNMENT: The scope of services of this Assignment No. 8 shall be completed no later than December 31, 2021, unless terminated earlier as provided in Section 3.2 of the Agreement. The schedule is subject to adjustments for possible time extension; however, any extension of time must be approved by the TFC and shall require an amendment to Assignment No. 8.

3.0. SPECIAL TERMS AND CONDITIONS OF ASSIGNMENT: Terms and conditions shall be in accordance with the Agreement, any Special Conditions, and with this Assignment No. 8.

4.0. SUB-CONTRACTORS TO BE UTILIZED FOR PROJECT: PSP shall perform the services under this Assignment No. 8 with its own forces unless otherwise specified. If the scope of services is less than \$100,000.00, a HUB Subcontracting Plan (HSP) is not required. If the scope of services will exceed \$100,000.00, PSP shall submit an HSP for approval pursuant to Section 11.2 of the Agreement.

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5.0. **FEE FOR BASIC SERVICES:** Fee for the services set forth in this Assignment No. 8 shall not exceed the sum of Forty- Three Thousand, Two Hundred Fifty Six Dollars and 16/100 Dollars (\$43,256.16). No more frequently than once per month, PSP shall submit a Pay Application to TFC for services performed and reasonable and necessary costs and expenses incurred through the last day of the previous month. Any reimbursable expenses, if allowed, shall be in accordance with Section 4.6 of the Agreement.

6.0. **IDENTIFICATION OF PSP PROJECT MANAGER AND ALL**

SUBCONTRACTOR: (a) For this Assignment No. 8, PSP shall identify the Project Manager, PSP's employees and all subcontractors assigned to this project on the List of Project Manager and Subcontractors (hereinafter referred to as the "List"), attached hereto and incorporated herein for all purposes as **Exhibit B**.

(b) TFC reserves the right to approve the appointment of the PSP Project Manager and to demand that the Project Manager, and any of PSP's employees or subcontractors, be removed and replaced if, in the sole opinion of TFC, their performance on this project or any other projects, is and/or was inadequate or their continued involvement with the Project is, will, or has become detrimental to the timely and successful completion of the project.

(c) The Project Manager and Subcontractors identified in the List shall not be replaced by PSP, nor shall any other subcontractors be engaged by PSP, unless prior written consent is obtained from TFC, which consent shall not be unreasonably withheld, conditioned, or delayed.


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7.0 ENTIRE AGREEMENT AND MODIFICATION: The Agreement and this Assignment and their integrated attachment(s) constitute the entire agreement of the Parties and such are intended as a complete and exclusive statement of the promises, representations, negotiations, discussions, and other agreements that may have been made in connection with the subject matter hereof. Unless an integrated attachment to this Assignment specifically displays a mutual intent to amend a particular part of this Assignment, general conflicts in language between any such attachment and this Assignment shall be construed consistently with the terms of this Assignment. Unless otherwise expressly authorized by the terms of this Assignment, no modification, renewal, extension, or amendment to this Assignment shall be binding upon the Parties unless the same is in writing and signed by the respective Parties hereto.

This Assignment shall be effective as of the date of the last Party to sign.

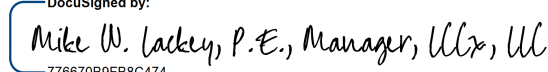
TEXAS FACILITIES COMMISSION LCCX, LLC DBA LACKEY DE CARVAJAL CX

By: 
DocuSigned by: 07CF7E0555204CB...

Mike Novak

Executive Director

Date of execution: 03/19/2021 | 6:09 PM CDT

By: 
DocuSigned by: 776670B9FB8C474...

Mike W. Lackey, P.E.

Managing Member

Date of execution: 03/19/2021 | 3:52 PM PDT

PM 

DGC 

Dir 

DED 

TFC Contract No. 18-108-000
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EXHIBIT A



February 26, 2021

Kevin Sandberg
Senior Project Manager
Texas Facilities Commission
1711 San Jacinto
Austin, TX 78712

**RE: Proposal LCCx 19.0602R3
Professional Engineering Services
TFC Building G Renovation - Phase 2 Whole Building Balance
TFC Project Number: 016-019-5530**

Dear Sandberg:

Thank you for the opportunity for **Lackey de Carvajal Cx** (hereinafter called **LCCx, LLC**) to furnish our proposal to provide Professional TAB Engineering Services to **TFC Project Management** (Hereinafter called **CLIENT**) for the above referenced project **TFC Building G Renovation Phase 2 Whole Building Balance**. This REVISED Proposal Letter outlines our Fee proposal subject to a formal agreement to complete the work that was begun as **Phase 1 Floor by Floor, Comfort Balance**.

As you will recall, we originally proposed to do a **Phase 1 Comfort Balance on a Floor-by-Floor basis** as construction progressed, and a **Phase 2 Whole Building Balance** when all the Floors had been remodeled. Due to budget constraints only Phase 1 was awarded in TFC CONTRACT N0.18-108-000 ASSIGNMENT NO. 6. This proposal is for the **Phase 2 Whole Building Balance** which should be awarded by separate Assignment.

PROJECT SCOPE

Provide Professional TAB Services, for the **PROJECT**. Coordinate all TAB work with the Project Manager.

GENERAL ASSUMPTIONS:

- ~~1. TAB Comfort Balance work will follow the completion of each floor COMPLETED.~~
2. A Full Building Balance will be completed after each Floor remodel is completed.
3. There will be a TAB Kickoff meeting and a TAB coordination meeting for the Whole Building.
- ~~4. There will be a preliminary report for each floor. COMPLETED~~
5. Attend limited construction meetings since construction is completed.
6. Owner has provided all stamped, sealed Construction Documents.
7. Owner has provided cut sheet of any Owner provided equipment,
8. General Contractor has provided submittals, cut-sheets, start-up procedures, and manufacturing data for all Contractor furnished equipment.

Mailing Address:
PO Box 30191
Austin, TX 78755



9. Coordinate all work through TFC AE, Stanley Consultants and CMAR, Flynn Construction

PROJECT SCHEDULE

The following project schedule is our understanding of how the project will proceed:

<u>DATES</u>	<u>Start Date</u>
Construction Phase	ongoing
Rough Balance AHU's	August 2019
Field TAB Basement	September 2019
Field TAB 1 st floor	October 2019
Field TAB 2 nd floor	Approx. February 2020
Field TAB 3rd floor	Approx. February 2021
Field TAB 4 th floor	Approx. August 2020
Final TAB of whole system	Approx. March 2021

TAB SCOPE OF WORK AND SERVICES

LCCx will serve as the TAB Agent to coordinate and provide “**Phase 2 Whole Building Balance**” on the Client’s behalf for the **PROJECT**. Our TAB tasks will include:

- Develop and submit TAB Plan and schedule; revise as necessary
- Develop TAB data forms, for HVAC equipment and systems-
- Prepare a Preliminary and TAB Report for review by Design Engineer.
- No BAS or Controls verification

CLARIFICATIONS AND QUALIFICATIONS:

- We include coordination of TAB with PM.
- All work to take place during normal business hours (M-F, 7:30-4:00)
- Clean filters to be in place before test and balance is performed
- All lifts to be provided by others.

EXCLUSIONS: We Exclude:

- 90 day and Alternate Season return visits
- Any sheaves, pulleys or belts
- Sound and Vibration Testing
- Duct leakage Testing

COMPENSATION

Based on the above scope of work for the project, as well as the description of the project, we propose a lump sum fee to be billed as follows:

Per Attachment 1	Fees:
TOTAL TAB SERVICES	\$ 54,086.16

Mailing Address:
PO Box 30191
Austin, TX 78755



Delete Comfort Balance on 3rd Floor. (Per TFC CONTRACT NO.18-108-000 ASSIGNMENT NO. 6)	(\$10,830.00)
REVISED TOTAL AMOUNT	\$43,256.16

TERMS AND CONDITIONS

All Terms and Conditions shall be as per Indefinite Delivery Indefinite Quantity Agreement (IDIQ) TFC Contract 18-108-000 for Heating, Ventilation, Air Conditioning and Test and Balance Services

I trust that the above meets with your approval. We look forward to working with you on this project and request that you indicate your approval of this letter of agreement by signing in the space provided below.

Very truly yours,

A handwritten signature in blue ink, reading "M. W. Lackey", is displayed within a rectangular box.

Michael W Lackey, PE

Manager LCCx

LCCx, LLC dba **Lackey de Carvajal Cx**

ACCEPTED BY: **CLIENT**

Authorized Signer, _____

Signature _____

Mailing Address:
PO Box 30191
Austin, TX 78755



ATTACHMENT 1: SCOPE OF WORK AND QUALIFICATIONS

Mailing Address:
PO Box 30191
Austin, TX 78755

Lackey de Carvajal TAB

IECC2015 C408 REQUIRED TAB - PROPOSED TAB SCOPE OF WORK
(Based on IECC2015, ASHRAE90.1-2013 and ASHRAE Std 111-2008)

Contract#: 0

Task Order#/Assignment#: 0

Bid Date:	2-Feb-21
Client Proj Mgr:	Kevin Sandberg
CLIENT:	Texas Facilities Commission
Client Address, Street/PO	1711 San Jacinto Blvd.
Client Address, City,State	Austin, Texas 78701
LCTAB Proposal No:	19.0602R2
Client Project Name:	TFC Building G Renovation-Whole Building TAB
Client Project No:	016-019-5530
Project Loc:	Grover Ave 49th Street Austin, TX
Contract Type:	Lump Sum

TASK ID.	PROJECT DURATION, MO.	3.0	FEE BREAKDOWN
1	Initiate TAB Process	#Meetings	BY TASK
Requirements	PROJECT ADMINISTRATION	3.0	\$ 1,380.00
ASHRAE	DESIGN PHASE MEETINGS	0.0	\$ -
Std 111	CONDUCT TAB Kick-Off MEET	1.0	\$ 600.00
TAB	TAB COORD MEETINGS	1.0	\$ 600.00
Process	CONSTR MEETINGS	3.0	\$ 1,800.00
PROJECT COORDINATION SUBTOTAL			\$ 4,380.00
2	Prepare TAB Qualification Submittal	NO	\$ -
3	Prepare a TAB Plan and Schedule.	NO	\$ -
4	Review TAB Specification	NO	\$ -
5	TAB Design Review of Construction Documents	NO	\$ -
	50% CD	NO	\$ -
	100% CD BACKCHECK	NO	\$ -
6	Review GC Submittals for Field Documentation	YES	\$ 1,425.00
7	Prepare TAB Field Reporting Documentation	YES	\$ 3,750.00
7.1	PRE-TAB AUDIT	NO	\$ -
PRE CONSTRUCTION PHASE SUBTOTAL			\$ 5,175.00

CONSTRUCTON PHASE - Field TAB Activities

8.1	Conduct Site Observations prior to Start-up	NO	\$ -
	Prepare TAB Deficiency List from Site Visit		
8.3	Perform Test Adjusting and Balancing		\$ 35,868.75
	Air Side Equipment		\$ -
	RTU	NO	
	AHU	YES	\$ -
	Mixing Laterals	NO	\$ -
	VAV	YES	\$ -
		NO	\$ -
	Hydronic Side Equipment	NO	\$ -
	Chillers	NO	\$ -

	Pumps	NO	\$ -
	Boilers	NO	\$ -
			\$ -
8.4	Maintain TAB Deficiencies Log	YES	\$ 3,062.41
CONSTRUCTION PHASE SUBTOTAL			\$ 38,931.16
9.1	Draft Preliminary TAB Report for Review	YES	\$ 3,600.00
9.2	Issue Final TAB Report	YES	\$ 1,800.00
POST CONSTRUCTION PHASE SUBTOTAL			\$ 5,400.00
POST OCCUPANCY PHASE			
10.1	Return For Alternate Season /Warranty Review, if required	NO	\$ -
10.2	Update Final TAB Report with Alternate Season results	NO	\$ -
POST OCCUPANCY PHASE SUBTOTAL			\$ -

BASE FEE	\$ 53,886.16
EXPENSES, Printing, etc	\$ 200.00
SUB-CONTRACTS, If Any	\$ 0.00
TOTAL FEE - BASE TAB SOW	\$ 54,086.17

VOLUNTARY ADD ALTERNATES			
11	Duct Leakage Test	NO	\$ -
12	Sound Testing	NO	\$ -
13	Vibration Testing	NO	\$ -
14	Sheave Changes	NO	\$ -
15	Fire and Smoke Damper Inspections	NO	\$ -
16	Stairwell Pressurization Testing	NO	\$ -
17	Laboratory Hood Testing	NO	\$ -
18	Other	NO	\$ -
TOTAL ADD ALTERNATES			\$ -

TOTAL FEE - BASE Cx SOW AND ADD ALTERNATES	\$ 54,086.17
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QUALIFICATIONS:
SYSTEMS TO BE Tested, Adjusted and Balanced
HVAC Systems:
All Major Mechanical equipment as defined by Equip Tag No.
BMS controls - Prelim Checkout
AIR SIDE ONLY
WATER SIDE ONLY
CLARIFICATIONS AND QUALIFICATIONS:
We include coordination of TAB with PM.
We include TAB verification site visit.
All work to take place during normal business hours (M-F, 7:30-4:00)
Clean filters to be in place before test and balance is performed
Acknowledge 12 Mo. construction schedule
Controls contractor will be available at all times during Tab Operation
All lift access provided by others.
EXCLUSIONS:
90 day and Alternate Season return visits
New sheaves, belts
Sound and Vibration Testing
DALT Duct leakage testing
Pre-Construction TAB Audit
We exclude any Hydrostatic Testing
We relied on the following documents for pricing
Mechanical Plans dated 9-21-2018 and TAB Spec: 23-05-93

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EXHIBIT B

**LIST OF PSP PROJECT MANAGER
AND
SUBCONTRACTORS
(Name, Address & Contact Person (Project Manager))**

A. Project Manager:		Chris Thompson _____ (Name) LCCx, LLC _____ (Company Name) PO Box 30191, Austin TX 78759 _____ (Address) 512-560-3456 _____ (Cell #) Chris.thompson@lccx.com _____ (Email)
B. Supervisor/Tech		
	1.	Lance Tippens _____ (Name) LCCx, LLC _____ (Company Name) PO Box 30191, Austin TX 78759 _____ (Address) 972-971-8198 _____ (Cell #) lance.tippens@lccx.com _____ (Email)
B. Subcontractors:N/A		
	2.	_____ _____ _____ _____ _____ (Email)
	3.	_____ _____ _____ _____ _____ (Email)
	4.	_____ _____ _____ _____ _____ (Email)